

HOUSE BILL 753

By White

AN ACT to amend Tennessee Code Annotated, Title 49  
and Title 63, relative to school-based health-  
related services.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 49, Chapter 10, is amended by adding  
the following as a new part:

**49-10-1501. Legislative findings.**

(a) LEAs are required to provide certain health-related or medical assistance  
services to eligible students pursuant to the IDEA. LEAs in the state spend over sixty  
million dollars (\$60,000,000) each year providing health-related or medical assistance  
services to eligible students.

(b) The Social Security Act (42 U.S.C. § 1396b) provides for reimbursement to  
LEAs of the costs for providing health-related or medical assistance services to eligible  
students. The general assembly finds that such reimbursements will decrease the  
burden on taxpayers.

**49-10-1502. Part definitions.**

As used in this part:

(1) "Department" means the department of finance and administration;

(2) "Eligible students" has the same definition as used in § 49-10-1402;

and

(3) "Health-related services or medical assistance services" includes, but  
is not limited to, the following when provided by an individual licensed or certified  
to provide such services in the state:

- (A) Physician services provided by a physician, osteopathic physician, podiatrist, physician assistant, or advanced practice nurse;
- (B) Physical therapy services provided by a physical therapist or physical therapist assistant;
- (C) Occupational therapy provided by an occupational therapist or occupational therapist assistant;
- (D) Behavioral counseling or psychotherapy services when provided by a psychiatrist, psychologist, health service psychologist, licensed psychological examiner, professional counselor, or professional counselor candidate, clinical social worker, masters social worker, or social work associate, marital and family therapist candidate, or licensed behavioral analyst;
- (E) Speech therapy services provided by a speech language pathologist;
- (F) Hearing assistance services provided by an audiologist; and
- (G) Nursing services provided by a registered nurse, a licensed practice nurse, or a certified nursing assistant.

**49-10-1503. Services eligible for reimbursement.**

Each LEA is entitled to payment of, or reimbursement for, the costs incurred by the LEA for the provision of health-related or medical assistance services to an eligible student if those services are provided:

- (1) By the LEA pursuant to the eligible student's IEP;
- (2) On the campus of an elementary, middle, or high school owned, managed, operated, contracted with, or otherwise affiliated with the LEA or at a Head Start Center or pre-K program affiliated with the LEA; and

(3) By an LEA employee or contractor.

**49-10-1504. Claims for reimbursement.**

(a) The department shall approve and pay, or cause to be paid, an LEA's claim for reimbursements for health-related services or medical assistance services that comply with the requirements of § 49-10-1503.

(b) For the purposes of reimbursement, the signature of the provider who possesses the required license or certification issued by the state to provide the services is sufficient for all purposes, including, but not limited to, showing that the services for which reimbursement is requested were provided by the LEA in accordance with the eligible student's IEP. The eligible student's IEP adopted pursuant to the IDEA must satisfy all referral, prescription, order, or other requirements imposed upon the provider by any statute or regulation as a condition to the provision or payment for services so long as the health-related or medical assistance services are required by IEP.

(c) Each LEA shall submit all claims for the previous school year on or before December 31 following the end of that school year. Any claim submitted after such date may be denied unless there is good cause shown for the delay in submission.

(d) For the purposes of paying claims for reimbursement, the department shall pay, or cause to be paid, claims for services pursuant to a uniform schedule of charges for each service, regardless of the geographic location of service. The schedule of charges must be equal to the highest amount paid by the state to licensed providers for the same services pursuant to a health insurance plan maintained for state employees. A claim by an LEA shall not be denied because the provider is not a participating provider or does not have a contract with a managed care organization administering any claims under this part.

**49-10-1505. No reimbursement for certain services.**

An LEA is not entitled to reimbursement for health-related or medical assistance services for which reimbursement is not permitted pursuant to this part, regulations adopted by the federal centers for medicare and medicaid services, or regulations adopted by the bureau of TennCare.

**49-10-1506. Annual report.**

By December 31 of each year, the department shall publish an annual report of payments made pursuant to this part. The report shall detail by each LEA:

- (1) The total amount of claims paid;
- (2) The total amount of claims denied, and the reason for denial,

including but not limited to:

- (A) Timeliness;
- (B) Service not provided by a licensed or certified person; or
- (C) Service not provided pursuant to an IEP.

SECTION 2. Tennessee Code Annotated, Title 63, Chapter 1, Part 1, is amended by adding the following as a new section:

(a) A healthcare professional licensed or certified by a health related board listed in § 68-1-101 may provide treatment within the healthcare professional's scope of practice without a referral of a physician or other referring practitioner if all treatment is provided in a school or other facility operated by a local education agency, the person receiving the treatment is a student enrolled in the local education agency, and the treatment is pursuant to the student's individual education plan (IEP).

(b) The healthcare professional rendering services under this section possesses the authority to issue the order or referral. Such order may be evidenced by the signature of the professional upon the student's IEP or any other document evidencing the treatment received.

SECTION 3. The headings to sections, parts, and chapters in this act are for reference purposes only and do not constitute a part of the law enacted by this act. However, the Tennessee Code Commission is requested to include the headings in any compilation or publication containing this act.

SECTION 4. This act takes effect July 1, 2021, the public welfare requiring it, and applies only to claims for health-related and medical assistance services provided on or after that date.